(1)

100/-

SINGLE BENCH

(5)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 3830 /2006

PETITIONER

Janardan Prajapati
S/o. Duhan Prajapati,
Aged about 30 years,
Caste-Kumhar, R/o Dumartoli,
Tahsil-Bagicha, Distt. Jashpur (C.G)

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through its Secretary,
Panchayat Social Welfare
Department, Mantralaya,
D.K.S.Bhawan, Raipur(C.G)

2. Sub Divisional Officer (Revenue),
Cum Revisional Authority
Panchayat Election Bagicha,
District-Jashpur (C.G.)

3. Returning Officer (Panchayat
Election) Bagicha, District-Jashpur
(C.G.)

4. Balram Prasad S/o Bajroo Ram,
R/o Village Lota, Tahsil Bagicha,
District-Jashpur (C.G.)

P.R. No. 3288/06
Presented by Shri Amit Kumar
dated 24.7.06

RECEIVED-COPY
24/7/06
CLERK TO A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... WP 3830/06 **सन् 200**

(46)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	8.8.2006 Shri Amrito Das, Adv. for the petitioner. Shri N.K. Agarwal, Dy. Adv. General for respondent Nos.1 to 3 on advance copy. Heard learned counsel for the parties on admission. By the instant petition under Article 226 of the Constitution of India, the petitioner has questioned the legality and correctness of the order dated 05.6.2006 (Annexure P-7) whereby the petitioner's nomination paper in the election for the post of Panch was rejected, against which a revision was preferred and same was also rejected. Learned counsel for the petitioner submits that the petitioner's nomination paper was rejected without any ground, therefore, this writ petition has been filed. Rule 21 (1) (c) of the C.G. Panchayats (Election Petitions, Corrupt Practices And Disqualification For Membership) Rules, 1995 envisages regarding grounds for declaring election to be void, which reads as under:- *"(c) that any nomination paper has been improperly rejected;"* Therefore, in view of the above provisions the petitioner is required to file an election petition for challenging the rejection of his nomination paper. There is a statutory provision regarding filing of election petition in case of improper rejection of a nomination paper and the petitioner ought to have filed the election petition before the Specified Officer. As the alternative & efficacious remedy is available to the petitioner, therefore, this petition does not lie, same is liable to be dismissed and it is hereby dismissed. Consequently, M.(W.)P. No.2988/06 & I.A. No.7256/06 also stand dismissed. Sd/- L.C. Bhadoo Judge	

Roshan

P.T.O.

14-8-06